

**NATRONA COUNTY
WIND ENERGY CONVERSION SYSTEM
EMERGENCY REGULATIONS**

SEPTEMBER 23, 2008

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I. INTRODUCTION

A. *Title*

These Regulations shall be known, cited and referred to as Chapter VII, Section 17 of the Zoning Resolution of Natrona County, Wyoming.

B. *Purpose*

These Regulations have been adopted for the following purposes:

1. To assure that large-scale development and production of wind-generated electricity in Natrona County promotes the public health, safety, morals, and general welfare of the County.
2. To acknowledge that these facilities are clearly visible and cannot be hidden from view, however, design consideration shall include minimizing the degradation of the visual character of the area;
3. To facilitate economic opportunities for local residents;
4. To promote the supply of wind energy in support of Wyoming's goal of increasing energy production from renewable energy sources.

C. *Authority*

These Regulations are adopted under the authority granted by the following Wyoming Statutes:

Title 18 Counties. Chapter 5 Planning and Zoning, Article 1. County Planning Commission, §§18-5-101 to 18-5-107

Title 18 Counties. Chapter 5 Planning and Zoning, Article 2. Planning and Zoning Commission, §§18-5-201 to 18-5-207

Title 9 Administration of the Government. Chapter 8 Land Use Planning, Article 1. General Provisions, §§9-8-101 to 9-8-302.

D. *Severability*

If any section or provision of these Regulations, or the application of that section or provision to any person, situation, or circumstance is adjudged invalid for any reason, the adjudication does not affect any other section or provision of these Regulations or the application of the adjudicated section or provision to any other person, situation, or circumstance. The Board of County Commissioners declares that it would have adopted the valid portions and application of these Regulations without the invalid part, and to this end the provisions of these Regulations are declared to be severable.

II. DEFINITIONS

- A. "Applicant(s)" shall mean the entity or person who submits to the County, pursuant to the *Subdivision Regulations of Natrona County, Wyoming, Chapter 2, Section 3* and the *Zoning Resolution of Natrona County, Wyoming, Chapter XI, Section 3* an application for a Pre-Application Conference regarding the siting of any WECS, WECS Project, Substation or MET tower.
- B. "Conditional Use Permit" is defined in Chapter XI, Section 2 at page 107 of the *Zoning Resolution of Natrona County, Wyoming*.
- C. "Financial Assurance" shall mean and include, but is not necessarily limited to, reasonable assurance, at the discretion of the County Commissioners, from a credit worthy party that the costs associated with but not limited to, construction; maintenance; consequences from an abandonment; or a failure to properly execute closure, post-closure care are recoverable from Applicant(s) under these Regulations.
- D. "Meteorological Tower" or "Anemometer" (both commonly referred to as "MET towers") shall mean any tower together with associated instrumentation or devices used for assessment of wind energy.
- E. "Operator" shall mean the entity responsible for the day-to-day operation and maintenance of any WECS, WECS Project, Substation or MET tower, including any third party subcontractors.
- F. "Owner" shall mean the entity or entities with an equity interest in the WECS(s), including their respective, successors and assigns. Owner does not mean (i) the property owner from whom land is leased for locating the WECS(s) (unless the property owner has an equity interest in the WECS(s)); or (ii) any person holding a security interest in the WECS(s) solely to secure an extension of credit, or a person foreclosing on such security interest, provided that after foreclosure such person seeks to sell the WECS(s) at the earliest practicable date.
- G. "Primary Structure(s)" shall mean and include, but is not necessarily limited to, structures such as residences, quonset huts, barns, commercial buildings, hospitals, and day care facilities. Primary Structure(s) excludes structures such as storage sheds and loafing sheds.
- H. "Professional Engineer" shall mean a qualified individual who is licensed as a professional engineer in the State of Wyoming.
- I. "Substation" shall mean the apparatus that connects the electrical collection system of the WECS(s) and increases the voltage for connection with the utility's transmission lines.

- J.** "Wind Energy Conversion System" ("WECS") means all necessary devices that together convert wind energy into electricity , including the rotor, nacelle, generator, WECS Tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS Tower to the Substation(s) and their support facilities, including transmission lines.
- K.** "WECS Project" shall mean the WECS(s) and associated support facilities including, but not limited to, roads, substations, operation and maintenance buildings, and permanent met towers as specified in the siting approval application pursuant to Section V of these Regulations and including the project area as defined by the Owner.
- L.** "WECS Tower" shall mean the support structure to which the nacelle and rotor are attached.
- M.** "WECS Tower Height" shall mean the distance from the highest point of a vertical rotor blade to the top surface of the WECS foundation.

III. APPLICABILITY

These Regulations govern the siting of WECS, WECS Projects and Substations that provide electricity to be sold to wholesale or retail markets, except that owners of WECS(s) with an aggregate generating capacity of 10 kW or less who locate the WECS(s) on their own property are not subject to these Regulations. Approval of any Conditional Use Permit does not preclude the need to obtain approved Zoning Certificates and Building Permits for individual structures, additions and changes.

IV. PROHIBITION

No WECS Project, transmission lines, Substation or MET tower governed by Section III of these Regulations shall be constructed, erected, installed, or located within Natrona County, unless prior siting approval has been obtained for each individual WECS and Substation pursuant to these Regulations.

V. SITING APPROVAL

- A.** WECS Projects shall be a conditional use in the Ranching, Agricultural and Mining (RAM) Zoning District and in the Urban Agricultural (UA) Zoning District. MET Towers shall be a permitted use in the RAM and UA Zoning Districts. Applicant(s) shall submit a Conditional Use Permit application to the Natrona County Development Department in order to obtain siting approval unless the project is a MET tower in the RAM or UA zoning district in which case the project is a permitted use and does not require a Conditional Use Permit. However, in such instances all requirements of Section V.B of this chapter must be met.

- B.** For proposed MET tower installations, Applicant(s) shall submit the following information to the Natrona County Development Department prior to commencing any installation or construction:
1. A site plan drawn at an appropriate scale with the following information:
 - a. The perimeter and dimensions of the property;
 - b. The names and locations of all streets, roads or highways on or contiguous to the property;
 - c. The locations of all easements or rights-of-way on the property;
 - d. The names and locations of all rivers, streams or waterways on or contiguous to the property;
 - e. The use, location and dimension of all structures on the property (include distance from all proposed structures to the property lines);
 - f. A scale;
 - g. A north arrow.
 2. In addition to other applicable provisions set forth in these regulations, approval of MET tower applications shall be subject to the following requirements:
 - a. All necessary zoning certificates and building permits shall be applied for and issued, and all structural reviews shall be completed by the Natrona County Building Division prior to construction.
 - b. The MET tower shall be constructed in conformity with all applicable FAA regulations and all FAA notices and approvals shall be received and submitted to the Natrona County Development Department prior to any construction.
 - c. Applicant(s) shall furnish evidence that applicable rights-of-way have been granted for access to the MET tower across any private, State, or BLM lands. For BLM right-of-way grants, Applicant(s) may furnish a copy of the signed BLM Right-of-Way-Grant application together with evidence that applicable fees have been tendered to the BLM.
 - d. The MET tower shall be in place for a period not exceeding three (3) years. Applicant(s) shall provide the Natrona County Development Department with ninety (90) days prior written notice of removal of the tower. In the event Applicant(s) desire

to relocate the MET tower, Applicant(s) shall receive prior written approval from the Natrona County Development Department and promptly furnish GPS coordinates for the new tower location to the Department. If Applicant(s) desire to extend the tower usage period, a request for an extension must be submitted in writing ninety (90) days prior to the expiration of this permit to the Natrona County Development Department for consideration.

- e. The upper fifty-foot portion of 60-meter tower pole or latticework components shall be painted in an orange color in order to identify the tower to pilots that may be within the tower area.
- f. Red navigation marker balls shall be installed on guy wires supporting the tower.
- g. Cattle fencing shall be installed around the tower base and guy wire anchors in order to prevent cattle entanglement.
- h. The MET tower shall not physically obstruct or encumber any road, power line, or pipeline easement.

C. For all WECS Projects, the Conditional Use Permit application shall contain or be accompanied by the following information:

- 1. A WECS Project summary, including, to the extent available: (1) a general description of the project, including its approximate name plate generating capacity; the potential equipment manufacturer(s), type(s) of WECS(s), number of WECSs, and name plate generating capacity of each WECS; the maximum height of the WECS Tower(s) and maximum diameter of the WECS(s) rotor(s); the general location of the project; and (2) a description of the Applicant, Owner and Operator, including their respective business structures;
- 2. The name(s), address(es), and phone number(s) of the Applicant(s), Owner(s) and Operator(s), and all property owner(s);
- 3. A site plan for the installation of a WECS Project showing the planned location of each WECS Tower, guy lines and anchor bases (if any), Primary Structure(s), property lines (including identification of adjoining properties), setback lines, public access roads and turnout locations, Substation(s), electrical cabling from the WECS Tower to the Substation(s), ancillary equipment, transmission lines, and layout of all structures within the geographical boundaries of any applicable setback;
- 4. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of these Regulations and with all applicable State and Federal Regulations;

5. Letters of consent to permit from all property owners;
 6. An Environmental Analysis and Visual Resource Analysis which shall identify and assess the impact of the WECS Project on wildlife, natural resources, water, habitat, topography and viewshed. The foregoing analyses may incorporate comparable documentation submitted to other Federal, State or local agencies;
 7. Vendor specifications and drawings of WECS components, WECS Towers and MET Towers;
 8. Evidence that applicable rights-of-way have been granted for access to the WECS Project site across any private, State, or BLM lands. For BLM right-of-way grants, Applicant(s) may furnish a copy of the signed BLM Right-of -Way Grant application together with evidence that applicable fees have been tendered to the BLM.
 9. Any additional information normally required by the County pursuant to the *Zoning Resolution of Natrona County, Wyoming*.
- D.** The Applicant shall notify the Natrona County Development Department of any changes to the information provided in Section V.B. and Section V.C. that occur while any approval of the Conditional Use Permit application is pending.

VI. DESIGN AND INSTALLATION

A. *Design Safety Certification*

1. WECSs shall conform to applicable industry standards, including those of the American National Standards Institute ("ANSI") and National Electrical Commission ("NEC"). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories ("UL "), Det Norske Veritas ("DNV"), Germanischer Lloyd Wind Energie ("GL "), or an equivalent third party.
2. Following the granting of a Conditional Use Permit under these Regulations, a Professional Engineer licensed in the State of Wyoming shall certify, as part of the Zoning Certificate application, prior to construction, that the foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.

B. *Color*

WECS towers and blades shall be painted white or gray or another non-reflective, unobtrusive color that will help the project blend with the natural visual character of the area.

C. *Signage*

There shall be no signage or logo of any type allowed on the WECS tower(s) with the exception of safety signs, warning signs and emergency contact signs. Any other signage shall only be allowed as approved by the County.

D. *Warnings*

1. A reasonably visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and Substations.
2. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 15 feet from the ground.

E. *Climb Prevention*

1. All WECS Towers must be unclimbable by design or protected by anti-climbing devices such as:
 - a. Site appropriate security enclosures with locking portals at least six feet high; or
 - b. Anti-climbing devices 12 feet vertically from the base of the WECS Tower.

F. *Setbacks*

1. All WECS Project structures shall be set back at least one-quarter mile from any Primary Structure, as defined in Section II. G. hereof. The distance for the above setback shall be measured from the point of the Primary Structure foundation closest to the WECS Tower to the center of the WECS Tower foundation. The owner of the Primary Structure may waive this setback requirement; but in no event shall a WECS Tower be located closer to a Primary Structure than 1.10 times the WECS Tower Height.
2. All WECS Project structures shall be set back a distance of at least 1.10 times the WECS Tower Height from third party transmission lines, and communication towers.
3. All WECS Project structures shall be set back a distance of at least 1.10 times the WECS Tower Height from adjacent property lines. This does not apply to property lines within approved WECS Project sites.
4. All WECS Project structures shall be set back a distance of one-half mile from any Primary Structure in Ranching, Agricultural and Mining (RAM) or Urban Agricultural (UA) Zoning Districts. If such property is

undeveloped the required setback shall be at the center of the property or more restrictive point as determined by the County.

5. All WECS Project structures shall be set back a distance of one mile from any incorporated municipality, unless waived by the municipality.
6. All WECS Project structures, except transmission lines, shall be set back a minimum of one-quarter mile from Interstate 25, U. S. Highway 20, U. S. Highway 26, and U. S. Highway 87.
7. All WECS Project structures, except transmission lines, shall be set back a minimum of one-quarter mile from State Highway 220, State Highway 251, State Highway 252, State Highway 253, State Highway 254, State Highway 256, State Highway 258, State Highway 259, and State Highway 387.
8. All WECS Project structures, except transmission lines, shall be set back a distance of at least 1.10 times the WECS Tower height from other public roads.
9. All WECS Project structures shall be set back from County and State Parks a minimum of one-quarter mile.
10. All WECS Project structures shall be set back from Federal or State facilities a minimum of one mile.
11. The Applicant does not need to obtain a variance from the County/Municipality upon waiver by either the County/Municipality or property owner of any of the above setback requirements. Any waiver of any of the above setback requirements shall run with the land and be recorded as part of the chain of title in the deed of the subject property. Copies of signed waivers shall be furnished to the Natrona County Development Department for inclusion in the application file.
12. Setback distances may be modified at the discretion of the Board of County Commissioners if the following standards are met:
 - a. Affected adjacent property owner(s) have provided a waiver to the set back requirement, together with recordation of such waiver at the Office of the Natrona County Clerk.
 - b. Additional standards and regulations to minimize the degradation of the visual character of the area have been adopted by the County upon formal consideration, review and public hearing(s).

G. *Compliance with Additional Regulations*

Nothing in these Regulations is intended to preempt other applicable State and Federal laws and regulations.

H. *Use of Public Roads*

1. Applicant(s), Owner(s), or Operator(s) proposing to use any county, municipality, township, village or State road(s), for the purpose of transporting WECS(s), MET tower(s) or Substation parts and/or equipment for construction, operation, or maintenance of the WECS(s), MET tower(s) or Substation(s), shall:
 - a. Identify all such public roads. Detail mapping of haul routes shall be submitted with the development application.
 - b. Obtain applicable weight and size permits from relevant State or County government agencies prior to commencement of construction.
 - c. Obtain new access, access modification or change of use of access permit; utility crossing permits from WYDOT for impacts to any State Highway facilities.
 - d. Applicant(s), at the discretion of the Director of Development, may be requested to provide additional studies and reports prepared by a qualified professional(s) to determine if impacts to public roads will occur.

If impacts are determined to exist, a mitigation plan and/or long term road maintenance agreement may be required at the sole discretion of the Board of County Commissioners.
 - e. If potential road impacts are determined to extend beyond County boundaries the Applicant(s) shall be responsible to contact all potentially impacted jurisdiction(s), and to provide written documentation of the contacts as well as written statements from the jurisdiction(s) that they are aware of the potential impact. All required written statements shall be provided to the Natrona County Development Department prior to the scheduling of the hearing for the WECS Project(s).
2. To the extent Applicant(s), Owner(s), or Operator(s) must obtain a weight or size permit from the County, the Applicant(s), Owner(s), or Operator(s) shall:
 - a. Conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage; and

- b. Secure bonding or other acceptable financial assurance in a reasonable amount at the discretion of the County Commissioners for the purpose of repairing any damage to public roads caused by constructing, operating or maintaining the WECS Project.
3. The use of public roads and other infrastructure shall strictly comply with Federal, State and County regulations governing such use. All costs for the repair, reconstruction or restoration of any degradation or damage to public roads or other infrastructure, associated with or arising from the installation, operation or maintenance of a WECS Project shall be the sole responsibility of the WECS Project Applicant(s), Owner(s), Operator(s), their agents or other affiliated parties. Said costs shall be payable to the Natrona County Treasurer and shall be in an amount sufficient to return the degraded or damaged public roads or other infrastructure to their original or better condition prior to the degradation or damage. To the extent Natrona County has entered into any Memoranda of Understanding with any other counties affected by a proposed WECS Project(s), including counties in other states, the Applicant(s) and Owner(s) shall furnish proof of compliance with the requirements of any such affected counties.

I. *Additional Permitted Uses*

Natrona County may allow the Applicant(s) to include certain accessory type uses on a WECS Project facility property, such as a visitor center where the public may be permitted to view a facility and obtain information about the specific facility and wind farms in general. Directional signage may be permitted by the County on individual bases. Information on local historical issues may be included, or required, with approval of such accessory uses.

VII. OPERATION

A. *Maintenance*

1. The Owner(s) or Operator(s) of the WECS must submit a yearly statement noting that all aspects of the WECS Project are being maintained per manufacturer's instructions and directions for relevant components of the facility as well as per all State and Federal requirements.
2. Designated and declared weeds shall be controlled on permitted sites during and after the life of the operation. This shall be maintained to the satisfaction of the Natrona County Weed Control District.
3. Periodic maintenance shall include, but is not necessarily limited to, upkeep of all structures and grounds for aesthetic purposes. Routine scheduled maintenance shall include the repainting of equipment and

structures and ground work or landscaping as appropriate to the location and the installed or erected assets.

B. *Interference*

1. Applicant(s) shall furnish the applicable microwave transmission providers and local emergency service provider(s) (911 operators) copies of the project summary and site plan, as set forth in Section V.C.1. and V.C.3. of these Regulations. To the extent that any of the above provider(s) demonstrate a likelihood of interference with its communications resulting from the WECS(s), Applicant(s) shall undertake all commercially reasonable measures to mitigate such anticipated interference.
2. If, after construction of the WECS(s), the Owner(s) or Operator(s) receives a written complaint related to interference with emergency services communications, local broadcast of residential television or other communications venues, the Owner(s) or Operator(s) shall undertake all commercially reasonable measures to resolve the complaint in a timely manner
3. That the developer(s) mitigate(s) light impact on existing residences as reasonably feasible and still meet FAA requirements.

C. *Coordination with Local Fire Department*

1. The Applicant(s), Owner(s) or Operator(s) shall submit to the local fire department and/or the Emergency Management Coordinator a copy of the site plan.
2. Upon request by the local fire department and/or the Emergency Management Coordinator, the Owner(s) or Operator(s) shall cooperate with the relevant agency to develop any emergency response plan.
3. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.

D. *Transfer of Applications*

Applications may be transferred by the Natrona County Development Department with appropriate documentation to be reviewed by other agencies, including but not necessarily limited to the County Attorney's Office, the County Building Official, County Fire Protection District, County Conservation District, Sheriff's Department, County Parks Department, County Road and Bridge Department, City of Casper, Wyoming Department of Game and Fish, Wyoming Department of Environmental Quality, Wyoming Office of State Lands and Investments—Division of Forestry, Bureau of Land Management, and Bureau of Reclamation.

E. *Periodic Reports*

Natrona County, acting under the authority of its Board of County Commissioners and through the Natrona County Development Department, may, at any time and from time to time during the term of any Conditional Use Permit for WECS(s) hereunder, require the submittal of periodic reports regarding the then-current operational safety of WECS(s), WECS Tower(s) or MET Tower(s), environmental or viewshed impacts. Such reports shall be signed and submitted by licensed or duly authorized inspectors.

VIII. FEDERAL, STATE AND LOCAL REQUIREMENTS

WECS Project facilities shall be constructed to meet, and be maintained in compliance with all Federal, State and Local requirements. Written statements providing proof that the WECS Project is in full compliance with these relevant requirements shall be furnished to the Natrona County Development Department.

If credible issues arise at any time during the review, and/or the approval development proposal process, related to compliance with Federal, State and/or Local requirements, Applicant(s) may, at the discretion of the Director of Development, be requested to furnish additional studies, reports, maps and/or graphic depictions prepared by a professional qualified in the relevant discipline, detailing the issues, characteristics, special features, potential impact, and mitigation measures that may be needed to minimize the issues.

Nothing in these Regulations is intended to preempt other applicable Federal, State and/or Local laws and regulations.

A. *Federal Aviation Administration*

The Applicant(s) for the WECS shall comply with all applicable FAA requirements.

B. *Local Aviation Facilities*

The Applicant(s) shall minimize all applicable concerns and/or potential impacts with existing local public or private aviation facilities.

C. *Military*

Applicant(s) for the WECS shall comply with all applicable Military requirements.

D. *Federal Communication Commission*

Applicant(s) for the WECS shall comply with all FCC requirements.

E. *Wyoming Industrial Siting Council*

Applicant(s) for the WECS shall comply with all Wyoming Industrial Siting Council requirements.

F. *Environmental*

1. United States Fish and Wildlife Service (USFWS)

The Applicant(s) for the WECS Project shall comply with all applicable USFWS requirements including federal endangered species regulations as established in the Federal Endangered Species Act.

2. United States Army Corp of Engineers (COE)

The Applicant(s) for the WECS Project shall comply with all applicable COE requirements including the Federal Wetlands regulations as established in the Federal Clean Water Act.

3. Wyoming Department of Environmental Quality (DEQ)

The Applicant(s) for the WECS Project shall comply with all applicable DEQ requirements.

4. Noise Levels

The Applicant(s) for the WECS Project shall comply with all Federal, State and Local requirements.

5. Materials Handling, Storage and Disposal

a. All solid wastes related to the construction, operation and maintenance of a WECS Project shall be removed from the site promptly and disposed of in accordance with all Federal, State and Local laws.

b. All hazardous materials related to the construction, operation and maintenance of the WECS Project shall be handled, stored, transported and disposed of in accordance with all applicable Federal, State and Local laws.

6. Public Highway, Streets, Bridges or Navigable Streams

Natrona County will strictly enforce Wyoming Statute 35-10-401 in the event any obstruction, injury and/or pollution occurs which is associated with or arises from a WECS Project.

G. *Any and all other Federal, State and Local Requirements*

The Applicant(s) for the WECS Project shall comply with all applicable governmental requirements.

IX. WYOMING GAME AND FISH DEPARTMENT (WGF)

Applicants shall request information from WGF during initial site selection regarding any crucial or important wildlife and habitat areas that may be present. The Applicant shall include annual monitoring of wildlife impacts and mortalities in accordance with established WGF protocols. Applicant shall assure access to the wind development area for purposes of annual wildlife monitoring activities. The County will route the WGF for comment to be reviewed and incorporated into any report and approval.

X. ARCHEOLOGICAL AND HISTORICAL RESOURCES

Applicants shall seek approval from appropriate agencies for matters concerning archaeology studies, historical importance and any other relevant Federal, State and Local issues and to include relevant reports in the application process. The County will route the Wyoming State Historical Preservation Office (SHPO) and any other relevant agencies for comment to be reviewed and incorporated into any report and approval.

XI. LIABILITY INSURANCE

The Owner(s) or Operator(s) of the WECS Project(s) shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. The Applicant(s) shall provide proof of insurance to the Board of County Commissioners prior to the Board's approval of the submitted application. If the application is approved, the Owner(s) or Operator(s) of the WECS(s) shall provide proof of insurance to the Board of County Commissioners annually.

XII. DECOMMISSIONING PLAN

Prior to receiving siting approval under these Regulations, the Applicant(s), Owner(s), and/or Operator(s) shall formulate a Decommissioning Plan to ensure that the WECS Project is properly decommissioned. The Decommissioning Plan shall include, but is not necessarily limited to, the following:

- A. Provisions describing the triggering events for decommissioning the WECS Project or any portion thereof upon 18 months of continuous non-operation of the facility or of any aspect of any facility, unless by Force Majeure;
- B. Provisions for the removal of structures, debris and cabling, including those below the soil surface down to 24 inches;
- C. Provisions for the restoration of the soil and vegetation;

- D. An estimate of the decommissioning costs certified by a Professional Engineer to be updated every five (5) years;
- E. Financial Assurance to begin in year 15, secured by the Owner(s) or Operator(s), for the purpose of adequately performing decommissioning, in an amount equal to the Professional Engineer's certified estimate of the decommissioning costs;
- F. Identification of and procedures for County access to Financial Assurances;
- G. A provision that the terms of the Decommissioning Plan shall be binding upon the Owner(s) or Operator(s) and any of their successors, assigns or heirs; and
- H. A provision that the County/Municipality shall have access to the site, pursuant to reasonable notice, to effect or complete decommissioning.
- I. A provision that the County/Municipality shall have the right to review and reconsider the WECS Project's Decommissioning Plan at the time of decommissioning, consistent with changes in the land use of the project at that time.
- J. The Applicant(s) shall provide financial assurance in one, or a combination of the following, at the discretion of the Board of County Commissioners: self bond, a surety bond, a federally insured certificate of deposit, government-backed securities, or cash. Evidence of the selected form(s) of assurance of financial responsibility shall be filed with the Natrona County Clerk as part of the permit application procedures and prior to the approval of Applicant(s) application. The Board of County Commissioners may reject the proposed forms of assurance of financial responsibility if the evidence submitted does not adequately assure that funds will be available as required by these rules. Applicant(s) shall be notified in writing within 60 days of receipt of the evidence of financial assurance of the decision to accept or reject the proposed forms of financial assurance. If an application is approved, any bond or other form of financial assurance may be canceled by the surety only after ninety (90) days written notice to the Board of County Commissioners, and upon receipt of the Board's written consent, which may be granted only when the requirements of the bond or assurance have been fulfilled. Financial assurance amount will be recalculated on a yearly basis at the discretion of the Board of County Commissioners; and
- K. Financial Assurance Forfeiture. Bond or other financial assurance forfeiture proceeding shall occur only after the Board of County Commissioners provides notice to the owner(s) or operators(s) and any surety that a violation(s) exists and the Board has decided to begin forfeiture proceedings. The Commissioners may expend forfeited funds to remedy and abate circumstances with respect to which financial assurance was provided. If the forfeited bond or other financial assurance instrument is inadequate to cover the costs to carry out the remedy or abatement, the County Attorney may bring suit to recover the costs of performing the activities where recovery is deemed possible.

The Decommissioning Plan shall be submitted to the Natrona County Development Department for approval.

XIII. REMEDIES

- A.** The Applicant's, Owner's, or Operator's failure to materially comply with any of the above provisions shall constitute a default under these Regulations.
- B.** Prior to implementation of the existing County procedures for the resolution of such default(s), the appropriate County body shall first provide written notice to the Owner(s) and Operator(s), setting forth the alleged default(s). Such written notice shall provide the Owner(s) and Operator(s) a reasonable time period, not to exceed 60 days, for good faith negotiations to resolve the alleged default(s).
- C.** If the County determines in its sole discretion, that the parties cannot resolve the alleged default(s) within the good faith negotiation period, the existing County regulation provisions addressing the resolution of such default(s) shall govern and control.
- D.** Enforcement. The provisions of these Regulations shall be enforceable by all appropriate legal remedies including but not limited to injunctive relief or a writ of mandamus.